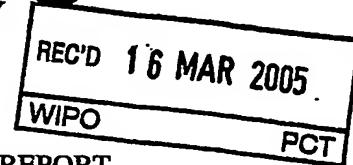


10/527235

## PATENT COOPERATION TREATY

## PCT



## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

## (PCT Article 36 and Rule 70)

Applicant's or agent's file reference 40732-192271	FOR FURTHER ACTION      See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/US03/26645	International filing date (day/month/year) 27 August 2003 (27.08.2003)	Priority date (day/month/year) 27 August 2002 (27.08.2002)
International Patent Classification (IPC) or national classification and IPC IPC(7): H04L 9/00 and US Cl.: 713/201, 380/270		
Applicant TD SECURITY, INC., DBA TRUST DIGITAL, LLC		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 6 sheets, including this cover sheet.
 

This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of    sheets.

3. This report contains indications relating to the following items:
  - I  Basis of the report
  - II  Priority
  - III  Non-establishment of report with regard to novelty, inventive step and industrial applicability
  - IV  Lack of unity of invention
  - V  Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
  - VI  Certain documents cited
  - VII  Certain defects in the international application
  - VIII  Certain observations on the international application

Date of submission of the demand 25 March 2004 (25.03.2004)	Date of completion of this report 03 March 2005 (03.03.2005)
Name and mailing address of the IPEA/US Mail Stop PCT, Attn: IPEA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (703) 305-3230	Authorized officer Signature of Gilberto Barron Telephone No. 703-305-3900

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US03/26645

## I. Basis of the report

## 1. With regard to the elements of the international application:\*

 the international application as originally filed. the description:pages 1-23 as originally filedpages NONE, filed with the demandpages NONE, filed with the letter of \_\_\_\_\_. the claims:pages 24-29, as originally filedpages NONE, as amended (together with any statement) under Article 19pages NONE, filed with the demandpages NONE, filed with the letter of \_\_\_\_\_. the drawings:pages 1-9, as originally filedpages NONE, filed with the demandpages NONE, filed with the letter of \_\_\_\_\_. the sequence listing part of the description:pages NONE, as originally filedpages NONE, filed with the demandpages NONE, filed with the letter of \_\_\_\_\_.

## 2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:

 the language of a translation furnished for the purposes of international search (under Rule 23.1(b)). the language of publication of the international application (under Rule 48.3(b)). the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

## 3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

 contained in the international application in printed form. filed together with the international application in computer readable form. furnished subsequently to this Authority in written form. furnished subsequently to this Authority in computer readable form. The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished. The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.4.  The amendments have resulted in the cancellation of: the description, pages NONE the claims, Nos. NONE the drawings, sheets/fig NONE5.  This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\*

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

## IV. Lack of unity of invention

1. In response to the invitation to restrict or pay additional fees the applicant has:

restricted the claims.  
 paid additional fees.  
 paid additional fees under protest.  
 neither restricted nor paid additional fees.

2.  This Authority found that the requirement of unity of invention is not complied with and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.

3. This Authority considers that the requirement of unity of invention is accordance with Rules 13.1, 13.2 and 13.3 is

complied with.  
 not complied with for the following reasons:

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1. In order for all inventions to be examined, the appropriate additional examination fees must be paid.

Group I, claim(s) 1-32, drawn to a method for protecting a computer network system that includes mobile device(s) and computing node(s) which provides for the special technical feature of managing security processes and running a security software program in the computing node to determine the security parameter(s) by interpreting the node's security profile.

Group II, claim(s) 33-40, drawn to a method of managing a computer network system that includes mobile device(s) and computing node(s) which provides for the special technical feature of running a discovery program to detect mobile devices and resources.

The inventions listed as Groups I and II do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: The special technical features of each group is not required by any other group.

4. Consequently, the following parts of the international application were the subject of international preliminary examination in establishing this report:

all parts.  
 the parts relating to claims Nos. \_\_\_\_\_

**INTERNATIONAL PRELIMINARY EXAMINATION REPORT**International application No.  
PCT/US03/26645**V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. STATEMENT**

Novelty (N)	Claims <u>17-21, 26-27, 33-40</u>	YES
	Claims <u>1-16, 22-25, 28-32</u>	NO
Inventive Step (IS)	Claims <u>17-21, 26-27, 33-40</u>	YES
	Claims <u>1-16, 22-25, 28-32</u>	NO
Industrial Applicability (IA)	Claims <u>1-40</u>	YES
	Claims <u>NONE</u>	NO

**2. CITATIONS AND EXPLANATIONS**

Please See Continuation Sheet

**INTERNATIONAL PRELIMINARY EXAMINATION REPORT**

International application No.  
PCT/US03/26645

**Supplemental Box**  
(To be used when the space in any of the preceding boxes is not sufficient)

**V. 2. Citations and Explanations:**

Claims 1-16, 22-25 and 28-32 lack novelty under PCT Article 33(2) as being anticipated by Preston et al (US 2002/0032583 A1).

Regarding claims 1, 2, 12, 13, 16 and 22, Preston discloses a security manager for managing security between a client and a data server communicating with each other over a variety of different communication links (see, for example, [0016]). The security manager initiates authentication sequence and public key exchange between the two devices. Preston further discloses that the security manager delivers message to each user based on an authorized combinations, which are defined by a privilege control table (PCT) (see, for example, [0018]-[0020]). Preston discloses that the PCT is designed for implementing a variety of security measures (see, for example, [0074]). Preston also discloses that the security manager provides data protection during transmission by using public key cryptography and isolation for application program with respect to receipt of a communication service request (see, for example, [0013]-[0015]).

Regarding claims 3, 23 and 24, Preston discloses that the security authorization module of the security manager determines whether a message is authorized or not authorized to reach its destination (see, for example, [0041]-[0042] and [0074]).

Regarding claim 4, Preston discloses that the security manager is implemented in computer software, firmware or hardware (see, for example, [0014]).

Regarding claims 5 and 6, Preston discloses a link choose module that chooses an appropriate link based on attributes of a transmitted message and link choose parameters (see, for example, [0044]-[0046]). Preston also discloses that the size and type are among the attributes of the message (see [0018], [0054] and Fig. 2A).

Regarding claims 7-9 and 14, Preston discloses that among the security information related to a message are the address of the sender, the size of the message and the time that the message is transmitted (see, for example, [0015], [0016], [0040], [0044], [0045], [0054], [0073] and [0079]-[0081]).

Regarding claims 10-11 and 15, Preston discloses that the security measures are also dependent upon the type of the communicating devices and software associated with a particular link (see, for example, [0019] and [0035]-[0036]).

Regarding claim 25, Preston discloses that when a message fails to satisfy the conditions set in the privilege control table a message reply rejection (i.e., an access denying message) is sent to the source application (see, for example, [0073]).

**INTERNATIONAL PRELIMINARY EXAMINATION REPORT**

International application No.  
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**Supplemental Box**

(To be used when the space in any of the preceding boxes is not sufficient)

Regarding claims 28-32, Preston discloses a scheme that determines the type of a session based on the incoming call from a caller device (see, for example, [0069]) and further by running a program at a central location (i.e., a data server), for example, in the case of a GPS system to locate (i.e., discover) the exact location of the communicating mobile device by receiving data packet from the device (see, for example, [0079]-0080).

Claims 17-21, 26 and 27 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest "transferring a device security profile to a mobile device or a resource device to be interpreted by a device security program running on the mobile device to determine device security parameters".

Claims 33-40 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest "running a discovery program to detect one or more mobile devices or resources; determining information regarding one or more mobile devices or resources based on at least one of a registry resource, a file resource, a process resource,... and attributes associated with a mobile device or resource; and using the determined mobile device information for managing security of the computer system".

Claims 1-40 meet the criteria set out in PCT Article 33(4), and thus meet industrial applicability because the subject matter claimed can be made or used in industry.

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**NEW CITATIONS**

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